

12/05/01



JC931 U.S. PTO

12-10-01

Docket No.: PA-0039 US

A

"Express Mail" mailing label number EL 856156 615 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Arlington, V.A. 22202 on December 5, 2001

By: Junior Martinez
Printed: Junior Martinez

Commissioner for Patents
Box Patent Application
P.O. 2327
Arlington, VA 22202

3 CD Roms



Transmitted herewith for filing is the patent application of:

Inventors: Mary J. Cunningham, Matthew R. Kaser
Title: MARKER GENES RESPONDING TO TREATMENT WITH TOXINS

Enclosed are:

1. Return postcard;
2. Application Transmittal Sheet (in duplicate, 1 page);
3. Submission under 37 CFR § 1.821-1.825 Sequence Listing Statement (2 pp.) with three (3) Computer-Readable Diskette attached;
4. 38 Pages of Specification (1-38);
5. 2 Pages of Claims (39-40);
6. 1 Page of Abstract (41);
7. 22 Pages of Tables (Tables 1, 2, 3);
8. 3 Pages Unexecuted Declaration (1-3).

Under 35 USC § 119(e), this application claims the benefit of prior U.S. Provisional Applications:

U.S. Ser. No. 60/251,986 Filing Date December 5, 2001 Status X Pending — Issued — Abandoned

Fee Calculation - The fee has been calculated as follows:

CLAIMS AS FILED (fees computed under § 1.16)

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
						\$740.00
Total Claims	20	-20	0	x \$18		\$ 0
Indep. Claims	3	-3	0	x \$84		\$ 0
<u>—</u> Multiple Dependent Claim(s), if any						+ \$280
						\$ 0

TOTAL FILING FEE \$ 740.00

The Commissioner is hereby authorized to charge Deposit Account No. **09-0108** in the amount of **\$740.00**. The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to Deposit Account No. **09-0108**. A duplicate of this sheet is enclosed.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 5 December 2001

Lynn E. Murry
Lynn E. Murry, Ph.D.
Reg. No. 42,918
Direct Dial Telephone: (650) 845-4159

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166

"Express Mail" mailing label number EL 856 156 615 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, P.O. Box 2327, Arlington, V.A. 22202 on December 5, 2001.

By: Junior Martinez Printed: Junior Martinez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mary J. Cunningham, Matthew R. Kaser

Title: MARKER GENES RESPONDING TO TREATMENT WITH TOXINS

Serial No.: To Be Assigned

Filed: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Commissioner for Patents

Box Sequence

P.O. Box 2327

Arlington, V.A. 22202

SUBMISSION UNDER 37 CFR §1.821- 1.825 SEQUENCE LISTING

Sir:

1. In accordance with the requirements of 37 CFR §1.821- 1.825, and by waiver of 37 CFR § 1.2 and in compliance with new rule 37 CFR §1.52(e), Applicants hereby submit (in duplicate) two (2) identical Compact Disk-Recordable (CD-R) discs, each containing the Sequence Listing for the above-identified application. The following files are contained on the compact discs:

	<u>File name</u>	<u>Size (Kbytes)</u>	<u>Creation Date</u>	<u>Identifying Information</u>
e.g.	pa00039sl.txt	685 KB	December 5, 2001	Sequence Listing

These CD-Rs are provided in compliance with 37 CFR §1.821 *et seq.* and as permitted by 37 CFR §1.52(e). Each file recorded on the CD-R is formatted in plain ASCII text, Sequence Listing to be viewed on an IBM Compatible desktop computer. The files are readable using any standard word processing (Sequence Listing) (e.g., MS Word '97 or MS-Wordpad for the Sequence Listing).

2. Additionally, Applicants herein submit one (1) CD-R containing the computer readable form (the CRF) of the Sequence Listing of the above-identified application, in accordance with 37 CFR §1.821(e) and as specified by 37 CFR §1.824(a)(2).

	<u>File name</u>	<u>Size (Kbytes)</u>	<u>Creation Date</u>	<u>Identifying Information</u>
e.g.	pa00039sl.txt	685 KB	December 5, 2001	SEQ ID NO:1-514.

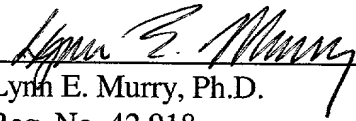
3. The content of the Sequence Listing recorded on the two (2) CD-Rs, referred to in paragraph 1. above, is identical to the Sequence Listing presented in the CRF, referred to in paragraph 2. above, as

required under 37 CFR §1.821(f).

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 5 December 2001



Lynn E. Murry, Ph.D.
Reg. No. 42,918
Direct Dial Telephone: (650) 845-4159

3160 Porter Drive
Palo Alto, California, 94304
Tel. No. 650-855-0555
Fax. No. 650-849-8886